

Spec. Coll.

## NEBRASKA AND KANSAS.

### SPEECH

OF

HON. M. A. NICHOLS, OF OHIO,

IN THE HOUSE OF REPRESENTATIVES, APRIL 5, 1854,

*Delivered in the Committee of the Whole on the state of the Union.*

The House being in Committee of the Whole on the state of the Union—

Mr. NICHOLS obtained the floor, and said:

I have obtained the floor, Mr. Chairman, for the purpose of protesting against the passage of the Nebraska bill in its present shape. I will not vote for either of the territorial bills now before us, while either the one or the other contains a repeal of the Missouri compromise or the Clayton amendment.

In assuming this position, sir, I am fully aware of all its responsibilities. Like most northern men, I have felt the rough consequences of this slavery agitation. Like most northern men who have seats here, I have a constituency divided to some extent upon this question. But, in examining the question, I have not counted the chances of my own preservation, or estimated what expediency required of me. The reproach of "skulking behind my constituency" the gentleman from Virginia [Mr. SMITH] shall never apply to me. What duty, my own sense of right, and justice demands of me, I will discharge, regardless of consequences. My own philosophy has long since taught me, that to give my vote to a project condemned by my deliberate judgment would be a degradation much too bitter and unpalatable for me to relish; and I regret, sir, not the fact that my own sense of justice constrains me to vote against this bill, but that in doing so I cannot feel assured of its complete overthrow.

I suppose, sir, the House will bear with me while I attempt a historical review of this question. It is necessary to me in defining my position.

In 1818 Missouri first petitioned Congress for admission as a State. The question was opened on the 18th of December of that year, and on the 19th of the succeeding February we find the House applying to her a clause prohibiting the further introduction of slavery into her borders by a vote of 87 yeas to 76 nays. March 15th another amendment was adopted in the words following: "All children born in said State, after the admission thereof, shall be free after the age of twenty-five

years." I instance these two amendments, Mr. Chairman, for a purpose that I shall indicate hereafter. They were struck out by the Senate, and, as the House refused to recede from them, the bill failed at that session. All efforts to harmonize were ineffectual. At the next session of Congress, December, 1819, the subject was resumed. The struggles of that period have been so long matters of history, they were of themselves so pregnant with important consequences, that I may be excused from adverting to them in detail. Out of the contest sprang the far-famed Missouri act, the essential feature of which to the North was the following:

"And be it further enacted, That in all that territory ceded by France to the United States under the name of Louisiana, which lies north of 36° 30' north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the parties shall have been duly convicted, shall be, and hereby is, PROHIBITED FOREVER."

This feature, sir, harmonized the action of Congress; and in the progress of events, and the lapse of time, it harmonized the opinions of the country.

Well, sir, Missouri came into the Union, but not without some further difficulties. Her constitution excluded free negroes; and as it was contended in this body that she could not constitutionally do this thing, she was compelled to come in under Mr. Clay's resolution, giving a construction to that provision of her constitution, which, under judicial decisions, has rendered it nugatory. Missouri adopted that construction; and as this constitutional impediment was the only difficulty of any magnitude, subsequent to the passage of the act of Congress authorizing her to form her State constitution, she came into the Union bound by the faith, spirit, and intent of that act.

This act was one of a series, by which Congress has, from time to time, settled the character of particular Territories. In its scope it was limited to the Louisiana Territory, acquired from France in 1803. As these slavery adjustments, from the exciting nature of the question involved, have always been regarded final as to their particular objects, and in the nature of irrevocable

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laws, so the Missouri act has always been regarded as final, so far as the Louisiana Territory is concerned. I quote now, sir, from Niles's Register, immediately after the passage of this Missouri act:

*"It is true the compromise is supported only by the letter of the law, repealable by the authority which enacted it; but the circumstances of the case give to this law a MORAL FORCE equal to that of a positive provision of the Constitution; and we do not hazard anything by saying that the Constitution exists in its observance. Both parties have sacrificed much to conciliation. We wish to see the compact kept in good faith, and we trust that a kind Providence will open the way to relieve us of an evil which every good citizen deprecates as the supreme curse of the country."*

In 1820, the Constitution existed only in the observance of the Missouri act. Now we are told the Constitution can only exist in its overthrow.

March 1, 1845, when the joint resolutions for the annexation of Texas were pending, I find in the reported proceedings, the following, from the Congressional Globe, (page 193,) detailing the action of the House of Representatives:

"The question being on the joint resolution to admit Texas into the Union,

"Mr. MILTON BROWN, of Tennessee, submitted the following as an amendment to it: Strike out amendment of Mr. Weller to the original resolution, and insert as follows: 'Joint resolution declaring the terms on which Congress will admit Texas into the Union as a State.'

*"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."*

"Third. New States of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by consent of the said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of that portion of said territory lying south of 36° 30' north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire.

"Mr. DOUGLAS, of Illinois, asked the gentleman from Tennessee to accept the following as a modification of his amendment, to come in after the last clause:

"And in such States as shall be formed out of said Territory, north of said Missouri compromise line, slavery or involuntary servitude, except for crime, shall be prohibited.

"Mr. BROWN accepted the modification.

"The Speaker announced the question to be on agreeing to the amendment.

"Mr. VINTON called for the yeas and nays; and they were ordered.

"The question was then taken by yeas and nays; and resulted thus—yeas 118, nays 101."

At page eighty-five of the same work the following will be found:

*"House of Representatives, January 23, 1845.*

"The House being in Committee of the Whole on the Texas question."

"Mr. DOUGLAS, of Illinois, moved to amend the amendment of Mr. WELLER, by substituting therefor the resolutions he had the honor to introduce a few days since."

The resolutions of Mr. DOUGLAS are in the following words:

"Joint Resolutions for the reannexation of Texas to the United States, in conformity with the treaty of 1803, for the purchase of Louisiana.

*"Whereas, &c."*

"8th. And be it further resolved, That nothing herein contained shall be construed to affect, or in any way interfere with the sixth section of the act, approved the sixth of March, 1820, admitting the State of Missouri into the Union, and commonly called the Missouri compromise, that act having been passed and approved prior to the ratification of the treaty commonly called the Texas treaty, by which Texas was ceded to Spain."

Certain gentlemen were then, Mr. Chairman, very careful in moving the slavery-exclusion clause. On the 10th of August, 1848, the bill to

establish a territorial government in Oregon was pending in the Senate. That bill contained the famous exclusion clause of the ordinance of 1787. This Mr. DOUGLAS proposed to amend by placing before it: "That inasmuch as said Territory is north of the parallel of 36° 30' north latitude, commonly known as the Missouri compromise line," therefore that slavery and involuntary servitude should be prohibited. Then Mr. DOUGLAS was so wedded to the Missouri act that he moved it as an amendment to the exclusion clause of the Oregon bill. But he says it is unconstitutional now. The Oregon bill passed without this amendment of Mr. DOUGLAS, and with its clause excluding slavery; but the principles of the Missouri act had been applied to the territory we sold Spain in 1819, and acquired again when Texas was annexed.

The argument, sir, which we heard from the gentleman from Kentucky, the other day, that this second application of the Missouri principle was intended as a final adjustment, to be extended *ad infinitum*, to my mind is baseless and visionary. It seems to me so, sir—first, because contiguity of soil and similarity of climate, and aptitude for production, pointed out the Missouri line as the natural settlement for Texas; and because, secondly, it might well happen, in the course of time, that we might acquire territory to which that line could not be applied. But, sir, in 1850 Congress was again called upon to adjust the difficulties of this slavery question, growing out of the annexation of Mexican territory. The excitement of that period is yet fresh; ay, sir, so vividly impressed upon the minds of all, as to need no comment. But you know, sir, that side issues were created, and that abuses of long standing, bitter recriminations, and sectional jealousies, were either to be provided for or crushed out.

Well, sir, you know the Senate's omnibus of that year—you know how it toiled and creaked on its devious journey along the tortuous track of legislation, until it broke down, and let all its passengers out on the wayside. They were picked up, sir; and, out of the wreck, certain measures were perfected, which have since been dignified with the names of the "Compromise Acts of 1850." They were:

1. An act proposing to the State of Texas the establishment of her northern and western boundaries, the relinquishment by the said State of all territory claimed by her exterior to said boundaries, and of all her claim upon the United States, and to establish a territorial government for New Mexico—[September 9, 1850.] In the fifth clause of the first section of said act is the following proviso, introduced on the motion of Mr. MASON, of Virginia:

*"Provided, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the 'joint resolution for annexing Texas to the United States,' approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas or otherwise."*

In the second section, establishing the Territory of New Mexico, is the following proviso:

*"And provided, further, That when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe."*

2. An act to establish a territorial government for Utah—[September 9, 1850.] This act con-

tains the same provision in regard to slavery as the preceding.

3. An act for the admission of the State of California. This has no reference whatever to slavery; the constitution of the State, however, prohibited it.

4. An act to amend the act entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," approved February 12, 1793—[September 16, 1850.]

5. An act to suppress the slave trade in the District of Columbia—[September 20, 1850.]

These five acts constitute what are called the compromise measures of 1850.

These measures covered every foot of territory not previously affected by some adjustment of the slavery question. They had taken a part of the territory north of  $36^{\circ} 30'$  claimed by Texas, from under the influences of the Missouri restriction, and had incorporated it with New Mexico, providing that it *might be slave or free territory*, as the people of New Mexico might determine when they formed their constitution. They had taken from the Louisiana territory the "Middle Park," as it is called, a basin in the Rocky Mountains, and had added it to Utah, and made it subject to the same provisions. In all other things the *Missouri compromise was expressly saved*. Mr. Mason's proviso had saved the right of Texas to her new States—*slave south of  $36^{\circ} 30'$ ; free north of that line*, as, indeed, no act impairing that right would have been worth a straw, as it would have violated one of the fundamental conditions of her union with the States.

I beg, sir, to call your attention to the prominence given to the Missouri act in all this legislation—how it was fought for by the southern members here up to the last moment of the exciting scenes of 1850; how, lest perhaps it might have been weakened, provisions were moved to save rights supposed to have accrued under it. Yes, sir, and prior to that time, the father of this agitation had incorporated it into his Texas resolutions, and into the Oregon bill; and with what tenacity it has clung to life and vitality, while the doctrines of the ordinance of 1787 have gone to rest—ay, sir, while they "sleep the sleep that knows no waking!" Yes, sir, legislation relating to the Missouri act has been well defined—the act has been carefully treated in all its bearings. The soul, the embodiment of two adjustments, it was so important in the third, that while a different principle was applied to the new Territories, it was *expressly saved as to the old*.

And so, sir, the question stood in the fall of 1850. Three sessions of Congress have come and gone, and each one has treated the question as finally settled. Did not the last Congress declare a finality as to this slavery question? Now, I ask, would gentlemen have stultified themselves by such a vote, had anything been needed to make them final? To suspect them of such folly is an insult I would not offer to any gentleman amongst them. No, sir, they never imagined that the Missouri compromise was to be repealed, or dreamed that it had been done by others.

And again, sir: in time both political parties of the country came together in convention. They nominated their candidates, they adopted their platforms. That party to which I belong adopted the following resolutions as a part of theirs:

"9. That Congress has no power under the Constitution to interfere with or control the domestic institutions of the several States, and that such States are the sole and proper judges of everything appertaining to their own affairs not prohibited by the Constitution; that all efforts of the Abolitionists or others, made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences; and that all such efforts have an inevitable tendency to diminish the happiness of the people and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend of our political institutions.

"4. *Resolved*, That the foregoing proposition covers, and was intended to embrace, the whole subject of slavery agitation in Congress; and therefore the Democratic party of the Union, standing on this national platform, will abide by and adhere to a faithful execution of the acts known as the compromise measures settled by the last Congress, 'the act for reclaiming fugitives from service or labor' included; which act being designed to carry out an express provision of the Constitution, cannot, with fidelity thereto, be repealed or so changed as to destroy or impair its efficiency.

"5. *Resolved*, That the Democratic party will resist all attempts at renewing, in Congress or out of it, the agitation of the slavery question, under whatever shape or color the attempt may be made."

I need not say, sir, the platform was sustained. Mr. Pierce came into office with the prestige of almost entire unanimity. He had pledged himself to the platform. His inaugural affirmed that pledge. His message reaffirmed it. A dispatch had gone from one of his Cabinet to Massachusetts that agitation must be crushed out; yes, sir, that free-soil, abolition agitation must be *crushed out*! Crushed out were the words, sir. They were ponderous words; and I would to God the man who uttered them possessed the moral courage to apply them now to the fathers of this agitation.

Well, sir, one or two facts more, and I shall leave the history of the past. Did you not pass a Nebraska bill last year? You did, sir, the same bill now pending here, as a substitute for the bill of the Committee on Territories. I need not say, sir, that the two bills are different; you know that fact but too well. Well, sir, when you were debating that bill, did any one discover that the Missouri act was disturbed, or superseded by inconsistent legislation? No, sir; but my agitating colleague [Mr. GIBBINGS] called your attention to the slavery exclusion of this Missouri act as applicable to this very Territory; he said, to multiply words about it, would weaken the force of that prohibition; and in the face of this language the bill passed by a large majority—eighteen southern gentlemen voting for it, many of whom I see around me to-day. Strange consistency; strange indeed, when you reflect that but one short year has passed away.

Mr. Atchison said, in the Senate, while discussing the bill of last session:

"I had two objections to it. One was that the Indian title in that Territory had not been extinguished, or, at least, a very small portion of it had been. Another was the Missouri compromise, or, as it is commonly called, the slavery restriction. It was my opinion at that time—and I am not now very clear on that subject—that the law of Congress, when the State of Missouri was admitted into the Union, excluding slavery from the Territory of Louisiana, north of  $36^{\circ} 30'$ , would be enforced in that Territory, unless it was specially rescinded; and, whether that law was in accordance with the Constitution of the United States or not, it would do its work, and that work would be to preclude slaveholders from going into that Territory. But when I came to look into that question, I found that there was no prospect, no hope of a repeal of the Missouri compromise excluding slavery from that Territory. Now, sir, I am free to admit, that at this moment, at this hour, and for all time to come, I should oppose the organization or the settlement of that Territory, unless my constituents,

and the constituents of the whole South, of the slave States of the Union, could go into it upon the same footing, with equal rights and equal privileges, carrying that species of property with them as other people of this Union. Yes, sir, I acknowledge that that would have governed me, but I have no hope that the restriction will ever be repealed.

"I have always been of opinion that the first great error committed in the political history of this country was the ordinance of 1787, rendering the Northwest Territory free territory. The next great error was the Missouri compromise. But they are both irremediable. There is no remedy for them. We must submit to them. I am prepared to do it. It is evident that the Missouri compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now as next year, or five or ten years hence."—*Congressional Globe*, Second Session 32 Cong. vol. 26, page 1113.

Sir, I maintain that all this shows the wickedness, the bad faith of this bill. It proves the individuality, the exclusiveness of each, and every one of these slavery compromises—that they were never dependent the one upon the other, but they were each and every one of them, separate and independent adjustments of a great and dangerous question, having application to particular territories clearly defined in each. Originally partaking of the nature of compacts, repeated legislation has legitimated them; solemnly and in honesty has the faith of the nation—of political parties—been pledged to their support, and they stand there now, partaking of the nature of great landmarks, sanctified by the approval of the people, and in their nature irrepeatable.

What do you gain by a repeal? Is it the removal of any imaginary line which galls the pride of any particular locality. No, sir, else no such struggles to extend it would ever have been made. What then? Do you expect practical results from the repeal? If so, what are they? Make them manifest? I want to see them.

I oppose this bill, sir, for reasons of my own. I oppose it because it is unjust. You cannot restore the *status quo*. You said that slavery might go south of the line of 36° 30', and it went there, because you said it might go, and because northern emigration chooses to go where slavery cannot go. It has peopled the country south of that line, with negroes and their masters. I do not complain of this; it was in the bond. There was Louisiana, she had been already admitted. By your very act, you brought in Missouri. That was in the bond. Then came Arkansas, with her immense territory. Here they are, all of them. You have yet south of the line a strip of Indian country, enough for a State, perhaps. You have the influences around that sufficient to fix the character of the embryo State there, and when the savage is impelled, God knows where, by progress, there comes another slave State. All this is secure. The power is not speculative—it is practical—it is here. Yes, sir, *the bond has been filled, the pound of flesh has been taken*. You have got all that was bargained to you, notwithstanding the bitter taunts some gentlemen direct at the punic faith of the North. *Punic faith!* I do not stand here, sir, to defend northern faith. It needs no defense. In every hour of peril; in the darkest days of your legislation, the North has stood up to the Constitution and the Union, with unflinching devotion, with generous concession. What honorable sacrifices were demanded for peace and concord, she has made. What perils were to be encountered, she has met, and met them with an eye single to

the glory and prosperity of our common country. I envy not the zeal which creates imaginary wrongs, for a basis of complaint and assault upon any portion of our common country. I admire not that tone in the public sentiment of any locality which finds solace only in the bitter invectives which its representatives direct at fraternal associations. No, sir, as a whole, we are the glory of all lands, and yet our mission is but half accomplished. I say, in the language of others, "conquer your prejudices." Conquer that pruriency of imagination which sees a covert assault in every word spoken on this floor by a northern man; unless, indeed, he sings hosannas to the institution of slavery.

Sir, I have listened with amazement to the denunciations bandied about on this floor. I have heard the citizens of more than one half of your great nation branded as incendiaries, fanatics, and Abolitionists; and gentlemen speak of us as if there were contamination in the association.

A gentleman from Mississippi, [Mr. BARKSDALE,] the other day, in his remarks here, read from a Vermont statute to show that in one case resistance had been made to the execution of a law of Congress. Were a drag-net cast over the land, and the fulminations of every newspaper writer, every frothy, demagogical stump orator, and every insane preacher brought together, I am not aware, sir, that it would have any other effect than to strengthen the attachment of our people to their Government. They would show only that error, in a free Government, is harmless, so long as truth is left free to combat it. That we have men at the North who are not friendly to our Government, who are over-zealous, or who are weak, who does not well know? But such men are not confined to any single locality, nor was the example quoted by the gentleman from Mississippi the only one furnished by our history where resistance to a law of Congress has been advised and counseled. Far from it, sir. It appears to me, sir, that we have heard in southern States, not many years since, of political battles waged in opposition to these same compromises gentlemen are so anxious to extend—of canvasses where the issue, so far as practical results were concerned, was union or disunion—where the overthrow of our Constitution was openly spoken of, and the consequences of that overthrow calmly contemplated. Notwithstanding all this, we are yet together. Nationalism, secessionism, and abolitionism, are all here—all represented. All shades have been willing to accept office; and if they have not loved the Union as well as they might love it, they have manifested but little hostility, at least, to the benefits it confers. All this, sir, proves that, while we have mutual faults, a recurrence to this bickering, this eternal denunciation and complaint is unworthy of us—unworthy of our high positions here, and productive of no good to any interest. Such things evince no statesmanship, no liberality, no general or extensive appreciation of the character of our country and its institutions.

But what is the other side of the picture? We were, to have all north of 36° 30'. What have we realized? Iowa; nothing more. But now, when the performance on the one side is complete and ample, it is proposed to remove the restriction and allow slavery to go north of the line, as you had before permitted it to go south of that line.

As this would be a concession without a consideration, I for one will have none of it. I will not join in making it.

What can you give the North for this concession? What do you give her? Can she profit by the vast domain of Texas? Can you disturb the compact you made with her, the fundamental conditions of her annexation? I say you cannot. That compact must stand, though the Missouri compact falls. It is irrevocable. Texas holds your bond; this bill does not reach her, and you cannot reach her without her consent. Her rights are saved. Am I right or wrong in this? Let me quote from one now dead, I quote from a speech, sir, that the compromise men in 1850 said saved the Union. I never attributed to it that efficacy, but I always thought it embodied sound logic:

"Now, what is here stipulated, enacted, secured? It is, that all Texas south of 36° 30', which is nearly the whole of it, shall be admitted into the Union as a slave State. It was a slave State, and therefore came in as a slave State; and the guarantee is that new States shall be made out of it, and that such States as are formed out of that portion of Texas lying south of 36° 30' may come in as slave States to the number of four, in addition to the State then in existence, and admitted at that time by these resolutions. I know no form of legislation which can strengthen that. I know no mode of recognition that can add a tittle of weight to it. I listened respectfully to the resolutions of my honorable friend from Tennessee, [Mr. BELL.] He proposed to recognize that stipulation with Texas. But any additional recognition would weaken the force of it, because it stands here on the ground of a contract, a thing done for a consideration. It is a law founded on a contract with Texas, and designed to carry that contract into effect. A recognition founded not on any consideration or any contract would not be so strong as it now stands on the face of the resolution. Now, I know no way, I candidly confess, in which this Government, acting in good faith, as I trust it always will, can relieve itself from that stipulation and pledge, by any honest course of legislation whatever. And, therefore, I say again that, so far as Texas is concerned—the whole of Texas south of 36° 30', which I suppose embraces all the slave Territory—there is no land, not an acre, the character of which is not established by law, a law which cannot be repealed without the violation of a contract, and plain disregard of the public faith."

So said Mr. Webster in 1850, in his speech on the compromise measures; and he was good authority then—that is to say, good compromise authority. I say, then, sir, this trade is unequal; and all that we get for conceding the right to establish slavery in an empire is, the chance of making free territory of a strip thirty miles wide, taken from the Indian Territory south of 36° 30', and added by the bill to the proposed Territory of Kansas. I will have no non-intervention at such terms. On the one side, is full performance; on the other, a want of consideration and broken faith.

But, sir, I am told that slavery can never go into these Territories. Then why all this excitement? Are you having all this difficulty about a practical absurdity? Did you mean a humbug with this bill—repeal in its mouth, and a stump "speech in its belly?" If so, let me say it is presuming a little too much upon the patience of high-minded representatives, to array them before the country as the principal characters in a broad farce. I think the bill has a meaning—that slavery may well go to Kansas; indeed, that it is likely to go there. But, although the Almighty had reared against it impenetrable obstacles, though he had stamped "prohibition" on every bluff, on every rock, and blade of grass throughout the whole country, I yet would not vote to remove this obstacle of the Missouri exclusion. It ought to stand, sir, for

complete performance. Once you said slavery should not go north of 36° 30'. It is too late now to say that it may go there.

I am opposed to this bill because it "agitates." I am pledged against agitation. When I gave in my adhesion to the Baltimore platform, I made no promise to the ear to break to the hope. I was sincere. I was elected on that platform, discussed it, and vindicated it against the assaults of Free-Soilers, and of Whigs, too, who attacked ours, while spitting upon their own. I thought, sir, that I saw in that platform practical good. I took the platforms of the two parties, sir, and I argued that upon this slavery question they were both right. That this great and absorbing question of slavery had received its quietus; that it was banished from the Halls of Congress forever! Yes, sir, I said forever, and I believed forever! Vain word, Mr. Chairman, now dwindled in significance to the brief span of a butterfly's existence! I said, sir, that every foot of territory to be affected by the question was already under compromises, that shut out further action; that henceforth we had an open sea, and plain sailing.

Well, sir, everybody, except the Free-Soilers, held this language. We were believed, trusted, and sustained. And why were we sustained? Because, sir, the people were wearied, sick, and disgusted with agitation. They wanted repose. Gentlemen make a sad mistake if they suppose that the triumph of 1852 was the triumph of men simply. It was more than that—it was the triumph of a principle of non-agitation. Established by the people because they wanted repose, the faith, the honor, the character of the party depend upon the faithful execution of the trust. Although a short memory is the worst fault I find with many who have made their marks upon this question, the faith I pledged I will redeem. I said I would give no countenance to agitation, and I do not intend in the first important vote I give here to enact a deliberate falsehood. Well, sir, we came on here, and heard no word of this repeal. Everybody deprecated agitation. The author of the Senate bill reported against agitation and repeal. The President was against agitation. The Union was against agitation and repeal. And so we went on swimmingly. But, presto! The change that came "o'er the spirit of our dream" was far from pleasant; and this question, sprung upon us like a fire-bell in the night, disturbed and dispelled all our visions of peace.

Sir, though repeal now is expedient, when it was wrong three months ago—though party tests have been spoken of—I will be true to my pledge not to agitate. I recognize no man's right to make tests for me. I will not submit to this as a party test; nor shall one of my constituents over whom I have a tittle of influence. I repudiate it, sir; and as I will neither submit to it as a test, nor suffer myself to be driven from the party upon it, I shall leave others to reconcile their course with their party, and treat this question as one outside of party requirements, and of interest to the whole country. But I say, sir, that this Nebraska bill violates the faith we pledged, as Democrats, to the country.

Sir, I beg to ask honorable gentlemen, What is proposed to be gained by this repeal? What do you effect, if you do not simply grant to slavery the right to go north of 36° 30'? We have all heard, sir, of

ground taken and abandoned with regard to this bill; of superseding set up, and inconsistency substituted for it; of *non-intervention*, sustained by a *direct repeal of a local law*. Yes, sir, we have seen all this, and yet some of us are not satisfied. We want a reason, a well-grounded, well-defined reason for this agitation. Have you any other than that which I have stated? You say, sir, you have;—at least, honorable gentlemen heresay they have. What is it, sir? I believe gentlemen say we must do this thing to harmonize our legislation—to render it consistent on this question. We are told the legislation of 1850 embodied certain great principles—established a great precedent, which, if we would restore a constitutional government, we must perpetuate in our legislation; that we have heretofore groped in the dark, waded in the slough of ignorance and folly, and that we must now undo our work, and joint and dove-tail anew, until we make a harmonious whole of the matter. Now, sir, what is all this worth? what practical good is there in it? Will it pay?

Harmonious action! When will you have it on the slavery question? Have you ever harmonized on it since the famous ordinance of 1787 was born? Never, sir. And you never will harmonize again until the evils of a dense population render emancipation a pecuniary benefit to the holders of slaves. Whether that day will dawn on us as a nation of confederates; whether it will see us in possession of our glorious Union unimpaired, time alone can determine. It never will, if the feeling which has sanctioned these slavery compromises is weakened, and the topic is thrown into the legislative arena, to become the sport of ambitious aspirations. I impugn no man's actions. I attribute to no man corrupt motives. I desire only to speak of effects and consequences. But I do say, that a frequent recurrence to this question familiarizes the minds of our people with the opinions of men as to consequences which may loosen the bonds of union, promote discord, and result in internal dissensions, and then disunion. These have been my fears; and I have supported these compromises as settlements not to be reopened, because the evils resulting from reopening them overbalance the good to be derived from such a course. Hence, to be consistent, I can do no less than oppose this bill.

But, sir, you established no new principle in 1850. I say, sir, you established no new principle. If you did, where is it? I have examined the measures of that year, and cannot find it. Where is the new principle? Was it in the enactment of the fugitive slave law? No, sir; that principle was born with your Constitution. It was not an original principle, however original some of the details of that law may be. Was it in the admission of California? Had you not admitted States before? Was it in the suppression of the slave trade in the District of Columbia? Was that not an undoubted power possessed by Congress, exercised from high considerations of humanity, and had not Congress before prohibited the foreign slave trade? Was it in buying off Texas, and organizing a territorial government in New Mexico? You had treated with States before, and obtained cessions of their territory. You had organized territorial governments before, and what had you provided for them? A government, a judiciary to administer the laws, a

Legislative Assembly to create local laws, and an Executive to supervise the administration of those laws. You had extended over them the Constitution of the United States, and laws not locally inapplicable. You had, with a degree of uniformity not often found in legislation, provided nearly similar privileges for all of them, except upon the slavery question. In some you had prohibited slavery; in others you had said it might exist. Now, sir, what were the features of your territorial bills of 1850? Let us take Utah for an example. I ask, sir, what did you do for Utah? You bounded the Territory; you defined its limits. What else? You said:

"And, when admitted as a State, the said Territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission."

You further reserved to Congress the right to subdivide the Territory, provided officers for the Territory, and declared, as to the legislative power of the Territorial Assembly, as follows:

"Sec. 6. That the legislative power of the General Assembly shall extend to all rightful subjects of legislation, consistent with the Constitution of the United States and the provisions of this act, but no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States, &c."

"All laws passed by the Legislative Assembly and Governor shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect."

"Sec. 17. That the Constitution and laws of the United States are hereby extended over and declared to be in force in said Territory of Utah, so far as the same, or any provision thereof, may be applicable."

This is the whole of the compromise as applicable to Utah, and also of New Mexico—the great principle men are talking about—that which must swallow up all others.

Mr. Chairman, in my opening remarks I alluded to certain amendments made to the Missouri bill when first under discussion here. They prove, sir, that the desire to prevent her admission then sprang from a desire to limit her rights as a State; to control domestic institutions already formed, and to compel her to emancipation before they would admit her. Yes, sir, they sought to make slavery the test of her admission or exclusion, without considering that slavery must have been there, to some extent, when we acquired the territory in 1803; that it was protected by the treaty of cession; and that, fostered by a congeniality of soil, climate, and production, it had very naturally grown up with the Territory. It was not, sir, an effort to exclude slavery in a Territory where it never had planted its foot. No, sir, it was an exclusion designed to be binding on her in her sovereign capacity as a State, after her admission. Well, sir, Congress, while prohibiting slavery in Territories, never has made slavery the test of a State's admission, where slavery actually existed when the application was made. Never, sir. "It was not done, sir, in the case of Missouri, or of Arkansas. The design was overruled in the case of Missouri. In Arkansas, the question of slavery was not raised in the abstract. Judging from the debates prior to her admission, the objections were founded upon an article in her Constitution, which, it was contended, prevented the Legislative Assembly from any action on the slave question, though her people might be unanimous for emancipation."

Well, sir, where was your principle? Was it in the grant of powers to the Legislative Assem-

bly? No, sir; you had granted similar powers to all your territorial organizations. Was it in the provision requiring all their laws to come before this body for supervision? You had provided that many a time and oft before. No, sir, you founded no principle. Your territorial laws as to all subjects of legislation were the same as those which had preceded them; and the supervision of Congress over the territorial laws to be formed still kept your Territories dependent upon this body, and killed the principle of non-intervention stone dead. They could not legislate on the slavery question of themselves; whatever they did came here for supervision.

What did you do for the slavery question? You said, to quote again:

"And when admitted as a State, [States,] the said Territory, [Territories,] or any portion of the same, shall be received into the Union, with or without slavery, as their constitutions may provide at the time of their admission."

There it is, sir; that is the whole of it. They were to be admitted as States, with or without slavery, as their constitutions may provide at the time of their admission. That, sir, as I understand it, was a pledge of faith on the part of the nation, through its representatives, that the slavery test, the test sought to be applied to Missouri, should not be applied to these Territories. When they came to form a constitution; when they set about the organization of a fundamental law to govern themselves; when the time came that the supervision of Congress was to cease, and the people of the Territories resumed all the rights of a sovereign people; of a sovereign State. Look at the language, sir, and tell me if it does not refer to that time and none other? And this was all, I say, sir, that if any local territorial law excluding slavery existed there, the law of 1850 did not repeal it, that so far as these slavery provisions are concerned, it is yet vital, yet living. And as for the rest, the pretense of non-intervention cannot exist for a moment against provisions which clearly establish a state of territorial dependence upon Congress.

And this, sir, is the legislation which superseded the Missouri compromise. This the El Dorado of our political future, is it? Sir, to my mind there never was a movement so transparent, so baseless, so hollow as all this. Again, I say, sir, I will have none of it.

The argument, that because you had disturbed the boundaries of Texas, and of the Louisiana Territory, and that therefore you had overthrown the Missouri compromise, is equally baseless. You saved Texas expressly by the Mason proviso; and as to the small portion of the Louisiana Territory incorporated with Utah—a portion, compared with the rest, no more than a "patch upon the earth's surface"—it is against reason and judicial construction to give to the laws of Utah any greater extent or force than to the territory so taken.

I say again, the legislation of 1850 embodied no principle. It was an expedient. There it stands, sir—examine it. A naked pledge that, when the States formed from the Territory seek admission, the slavery test shall not be applied to them, is all there is of principle; and that, sir, is no principle. It is a compromise; no higher in its nature, no more sacred, not less liable in itself to repeal, than is the Missouri compromise.

Gentlemen talk of "non-intervention," of "squatter sovereignty." You have never legitimated it. You have no Territory—not one, sir—dependent in any one thing of congressional supervision. Is this a time to apply the doctrine? Must you reach that goal by marching over the ruins of broken adjustments, of pledges falsified, and faith trodden down? And why, as a principle, do you seek now to apply it to Nebraska and Kansas? Would there not be as much justice in attacking Oregon, or Washington, or Minnesota, and in the repeal of slavery exclusion provisions there? Must you not do so, to give the doctrine universal territorial application? And is the prohibition in either of these Territories of any higher character than that of the Missouri act? No, sir. Yet, who here will raise his voice to disturb the exclusion in those Territories? Or when would you effect such a thing, were any one here hardy enough to attempt it? Never, sir. The effort would be a ruinous one—ruinous to peace, concord, and fraternal union. Ruinous to the highest and dearest interests of our common country. It would drive the wedge of disunion home, destroy national legislation, and exalt in its stead suspicion, discord, and sectional strife. Yet consistency points it out as a natural consequence of success in this projected repeal of the Missouri compromise.

Mr. Chairman, as I have thus taken my ground, I shall not stop to inquire whether either of these bills embodies the true spirit of non-intervention. It is unnecessary, at least for my purpose. I care not to inquire. There is a clause in the Senate bill, which taking the territorial action of the past as a test, is indefensible. The Senate has deemed it proper to make a distinction amongst men, in the application of its doctrine of squatter sovereignty. They have excluded the emigrant. The justice of this must be gathered from your past acts. Less tender were they of the rights of citizenship when Oregon, and Washington, and Minnesota were organized. And not many years since, I think, Congress naturalized some thousands of Mexicans, Spaniards, and half-breeds, by treaty stipulations with a foreign Power. And there is a gentleman on this floor, legitimated by that action, as a Delegate from New Mexico, who cannot speak a word of your language. I have no qualms of fears of foreigners. I represent on this floor three thousand German voters. They are men of industry, peace, and order. They are sincerely attached to your country and its Constitution. They are men of substance, of enterprise, and many of them men of superior education. I should be false to them, and false to myself, if I gave a vote which cast about them any disabilities I myself am not subject to. I take this occasion, sir, not to filibuster on this subject, but to pay a tribute to the foreigners who have sought your western lands. I have found few of them improvident, but very few, and I know of no class of your people, who cultivate the virtues of economy, sociality, and order, to a higher degree than the rural foreign population of your western States. My experience has been confined to that class of it, but I believe it true of the whole body of that population in the West.

But if you want to declare a principle in relation to non-intervention, I will go with you. I will go with you in support of that doctrine whenever

it can be applied, without the disturbance of existing compromises. I will say, sir, that it will be right and proper to apply to all subsequently acquired territory, provided you create the substance and not the shadow of non-intervention. It must be practical, eminently practical.

You must yield to the Territories the power to legislate on all constitutional subjects, and not the power to legislate on the slavery question alone.

You must emancipate them from Executive and Senatorial control, by vesting in the people thereof the right to select their own officers.

You must not prescribe or limit the right of suffrage, but leave that question to be determined by the people.

And, finally, emancipate their local legislation from the supervision and control of Congress.

This is non-intervention—the non-intervention I am for.

But, sir, I have extended these remarks further than I had intended. In conclusion, I will say, that I never desired again to discuss any question connected with this slavery issue. For years the Democratic party in the North, planting itself upon its constitutional obligations, has sustained a war, the more bitter to them because it was urged upon them by men, between whom and themselves there was no difference of opinion as to the morality, the consequences, and influences of slavery. But, sir, they held that there was a vast difference between moral condemnation of slavery and that “higher law” abstraction which spat upon and refused the obligations of the Constitution and of citizenship. In this agitation I see disastrous consequences to that party which has been national in its character. They have been taught that your Constitution itself was a compromise of this slavery question, and like all subsequent compromises, sacred, because of the mighty interests it combined. I need not say again that faith will be weakened. Though sincerely attached to my party, yet I fear more the effects of this agitation upon the country. I fear, sir, that clamor, generated by this repeal, which shall cry unceasingly for a repeal of all compromises; for a war of sections; for continued strife. I shall strive to avert it, by all my influence, by all my efforts, but my first duty, I believe, in accomplishing this, is to vote against this bill, or these bills, in their present shape.

Sir, I make no war upon the institutions of any State. Where slavery exists, let those affected by it bear its consequences. If they are good, I shall not envy my southern brethren its advantages; if they are evil, let those who cherish it bear

the burden. I heard, sir, early in this session, an eloquent gentleman from South Carolina, pass upon his State a lofty panegyric; he spoke of her chivalry, her pride, and her prosperity. It gave me pleasure to hear him so speak, and I honored him for his zeal and his devotion to her interests. But, sir, I am a citizen of a free State, and am myself a laborer. By education, by example, and by association, I have been taught to look upon slavery as an evil. My prejudices are all against it. But while these things are true of me, I have never yet refused it its rights—its constitutional rights, as I honestly understood them. Nor shall I ever do so. But I am wedded to the interests of my own State and her people; and before God and man, we stand this day a monument, erected by the industry of our own hands, under his providence, to free labor. I would to God, sir, that the only emulation here, were, as to our respective capacities for good, without reference to local interests. Were that the case, sir, I would point to Ohio. There she stands; look at her and her position. I see around me the Representatives of many States—the Representatives from the State in which I was born. Fifty years ago, and they were wealthy, prosperous, and great. Most of them had historic names, and their interests were pressed upon this floor by a generation of statesmen now in their tombs. Ohio had then not even a name; but we are here to-day in our strength; stronger than all but two of our sisters, and the peer of any of them in all the elements of growing power. We have vanquished the wilderness; we have conquered all the privations of pioneer life. Her hamlets are peaceful and industrious; her cities thronged with the bustling evidences of power. Her railroads are spread like a network over her whole surface; her canals float to an annual market the wealth of an empire. On her hills and in her valleys the church and the school-house stand side by side, and she has legitimated universal education by her fundamental law. Her constitution will challenge the admiration of any State; and across the land the gigantic shadow of her two millions of people is thrown in bold relief, while the voice that ascends from her every hill and every valley, is not that of reproach, not that of recrimination, but the friendly voice of a great brotherhood, pointing to the blessings of freedom, and inviting competition in that high and honorable path which she has marked out for herself. Yes, sir; let gentlemen stand up manfully for their own; Ohio will echo their congratulations; but when contemned, she can point to results and answer every charge.